

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Criminal Department, Central Division		
TITLE OF CASE: THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON		
TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE– 70TH DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam Court Clerk: B. Graves/W. Anderson Reporter/Tape: K. Garcia/D. Dedmon Bailiff: H. Franco, P. Bellefeuille, A. Rayas		Date: May 23, 2005
		Department: 53 Time: 9:01 a.m.

Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA	<input type="checkbox"/> Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney	<input checked="" type="checkbox"/> Appearing
Defendant: Marcus Delon Wesson	<input checked="" type="checkbox"/> Appearing	Counsel: Peter Jones, Chief Deputy Defender	<input type="checkbox"/> Pro Per
		Rafael Torres, Deputy Public Defender	<input checked="" type="checkbox"/> Appearing
			<input type="checkbox"/> Pro Per

Pursuant to adjournment of May 20, 2005, Court reconvenes at 9:01 a.m. The People represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with counsel, Peter Jones, Chief Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed. The jury panel is not present.

Court Reporter Denise Dedmon is present at 9:01 a.m.

The Court makes it's ruling as fully stated on the record. The Court sustains the objection. The expert witnesses will not be allowed to testify.

The Court inquires of Lisa Gamoian, Chief Deputy District Attorney, if she is ready to proceed. Ms. Gamoian states that she has no other witnesses. Respective counsel request some additional time to work out the last stipulation. Also, Rafael Torres, Deputy Public Defender, request time to get his witnesses to the courthouse.

The Court inquires of Rafael Torres, Deputy Public Defender, the order of witnesses he will call:
Allen Boudreau, LLC.
Gary Cortner, LLC.
Robert D. Lawrence, MD.
Venu Gopal, MD

The jury returns to the courtroom at 9:24 a.m. The Court informs the jury panel that we will be in recess until 1:30 p.m. The jury admonished and released at 9:28 a.m. until 1:30 p.m.

Outside the presence of the jury, Rafael Torres, Deputy Public Defender, makes a Motion to Dismiss counts 1-9, 11, 12, 14, 15, 17, 19, 20, 21 and 23, pursuant to PC 1118.1.

Matter is argued by respective counsel and submitted.

The Court denies to Motion to Dismiss pursuant to PC 1118.1.

The Court stands in recess at 9:35 a.m.

Off the record and outside the presence of the Court, respective counsel and the jury, the following exhibit is marked for identification:

PEOPLES EXHIBIT 820(STIPULATION: TESTIMONY OF BRENDAN F. SHEA. M.S.) MARKED FOR IDENTIFICATION.

Court Reporter Denise Dedmon is present at 1:30 p.m.

Outside the presence of the jury, Ms. Gamoian request that the following Peoples exhibits, having been previously marked, be received into evidence: 1, 2, 3, 4, 741, 811 and 820. Exhibits are received into evidence.

Rafael Torres, Deputy Public Defender, requests to be allowed to show Ms. Gamoian photographs that his witness will use. Ms. Gamoian, Chief Deputy District Attorney, objects to the photographs, having not seen before today. The Court grants request. The Court reserves sanctions as to Rafael Torres, Deputy Public Defender.

The jury returns to the courtroom at 1:56 p.m. and the trial continues.

Peoples exhibit 820, having been previously received into evidence, is read to the jury by Ms. Gamoian, Chief Deputy District Attorney.

The People rests their case in chief at 2:03 p.m.

Allen Boudreau, LLC., is sworn at 2:05 p.m. and testifies on direct examination by Rafael Torres, Deputy Public Defender.

The Court stands in recess at 2:50 p.m.

Kristi Garcia, replaces Court Reporter, Denise Dedmon at 3:10 p.m.

Court reconvenes at 3:10 p.m. with all parties present and the jury in their seats.

Allen Boudreau, LLC., having been previously sworn, resumes the witness stand on continued direct examination by Rafael Torres, Deputy Public Defender at 3:10 p.m.

Lisa Gamoian, Chief Deputy District Attorney, begins cross examination of the witness at 3:16 p.m.

Rafael Torres, Deputy Public Defender, begins re-direct examination of the witness at 4:17 p.m.

Lisa Gamoian, Chief Deputy District Attorney, begins re-cross examination of the witness at 4:25 p.m.

Witness is ordered excused at 4:25 p.m. and subject to recall.

Court admonishes the jury and adjourns court at 4:26 p.m. until tomorrow at 9:00 a.m. Outside the presence of the jury, discovery issues are taken up. Court orders defense counsel to have all discovery to deputy district attorney pursuant to 352.

Court takes up issues with defense counsel the lack of discovery given to prosecution with regards to witness Boudreau.

Defense counsel Pete Jones argues the issue of discovery to the court on behalf of the defendant.

Lisa Gamoian, Chief Deputy District Attorney, responds to the discovery issues.

Court adjourns at 4:35 p.m. until 5/24/05 at 9:00 a.m.

Defendant remains remanded to the custody of the Sheriff pending the next hearing date.